From: Able, Tony [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08873E26CCD44323B0F6AB96E0E8FADA-ABLE, ANTHONY]

Sent: 11/26/2018 4:11:59 PM

To: Bouma, Stacey [Bouma.Stacey@epa.gov]

CC: Wetherington, Michele [Wetherington.Michele@epa.gov]; Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov];

Petter, Lauren [Petter.Lauren@epa.gov]; Cooper, Jamal [cooper.jamal@epa.gov]

Subject: Re: OST mtg re FW: GA Narrative WQS Update

Ok

Tony Able
Acting Chief
Water Quality Planning Branch
US EPA R4

On Nov 26, 2018, at 10:52 AM, Bouma, Stacey < Bouma. Stacey@epa.gov > wrote:

We're meeting with OST on Wednesday. I suggest waiting until after that meeting before providing this additional background.

Stacey L. Bouma, Chief Water Quality Standards Section EPA Region 4 Water Protection Division (404) 562-9392

From: Able, Tony

Sent: Monday, November 26, 2018 10:48 AM

To: Wetherington, Michele < Wetherington. Michele@epa.gov>

Cc: Gordon, Lisa Perras < Gordon Lisa Perras@epa.gov>; Bouma, Stacey < Bouma Stacey@epa.gov>;

Petter, Lauren @epa.gov>; Cooper, Jamal <cooper.jamal@epa.gov>

Subject: Re: OST mtg re FW: GA Narrative WQS Update

Do I need to share this with JG and the Deputies before today's meeting with the states

Tony Able
Acting Chief
Water Quality Planning Branch
US EPA R4

On Nov 26, 2018, at 10:29 AM, Wetherington, Michele < Wetherington. Michele@epa.gov> wrote:

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Thanks,

Michele

From: Gordon, Lisa Perras

Sent: Monday, November 26, 2018 7:15 AM

To: Bouma, Stacey <Bouma.Stacey@epa.gov>; Wetherington, Michele

<Wetherington.Michele@epa.gov>; Petter, Lauren <Petter.Lauren@epa.gov>; Cooper,

Jamal <<u>cooper.jamal@epa.gov</u>>
Cc: Able, Tony <Able.Tony@epa.gov>

Subject: RE: OST mtg re FW: GA Narrative WQS Update

Stacey,

I've read through the notes this morning on the GA Narrative beginning with Michele's summary of OGC's concerns. As we get ready to talk to OST, just a reminder that in the 2000 Coordination memo with HQ, the need to review disapprovals is based on a concern that the disapproval could, "possibly bind the Administrator to a rulemaking..." or set new national policy. Those are valid concerns.

However, neither apply in this case where the disapproval is based on insufficient information submitted under 131.6. In this case, the state rules revert back to their previous EPA-approved version with no need for a rulemaking by EPA. Disapprovals for insufficient information has been used on multiple times both here and in other Regions, so it does not set new policy.

Michele, would the Georgia Supreme Court decision – no matter how it turned out – affect our ability to do a review for scientific justification for new submittals? I was unclear how it would impact our action based on the write-up.

Thanks all, Lisa

Sent: Wednesday, November 21, 2018 1:11 PM

To: Gordon, Lisa Perras <<u>Gordon, Lisa-Perras@epa, gov</u>>; Wetherington, Michele <<u>Wetherington, Michele@epa, gov</u>>; Petter, Lauren <<u>Petter, Lauren@epa, gov</u>>; Cooper, Jamal <cooper, jamal@epa, gov>

Cc: Able, Tony < Able. Tony@epa.gov>

Subject: OST mtg re FW: GA Narrative WQS Update

I contacted Sara Ludwig-Monty re the OGC recommendation for OST and R4 staff to discuss the GA narrative taking into consideration the court case. She is going to try and set up a meeting for later next week (maybe Wed or Thur) to include Erica, Tom, and Corey.

From: Bouma, Stacey

Sent: Tuesday, November 20, 2018 3:59 PM

To: Able, Tony <<u>Able.Tony@epa.gov</u>>; Zapata, Cesar <<u>Zapata.Cesar@epa.gov</u>>;

Wetherington, Michele < Wetherington. Michele@epa.gov>

Cc: Gordon, Lisa Perras < Gordon. Lisa - Perras@epa.gov >; Cooper, Jamal

<cooper.jamal@epa.gov>

Subject: FW: GA Narrative WQS Update

See below. Additionally, I shared the legal analysis, that was shared with OGC, with OW OST on Friday, Nov 16. At that time, I indicated verbally that staff had made a recommendation (Nov 7 DD briefing) for the RA's consideration. This was prior to the information below concerning the GA Supreme Court case.

From: Wetherington, Michele

Sent: Tuesday, November 20, 2018 3:44 PM **To:** Bouma, Stacey < Bouma. Stacey@epa.gov>

Subject: GA Narrative WQS Update

Ex. 5 Attorney Work Product (AWP)

Michele

Michele Wetherington Associate Regional Counsel U.S. EPA, Region 4 61 Forsyth Street S.W. Atlanta, GA 30303 (404) 562-9613

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